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App. No. : 10/766,684  
Applicant : Nabil L. Muhanna et al.  
Filed : Jan. 28, 2004  
Title : Artificial Intervertebral Disc  
TC/A.U. : 3738  
Examiner :  
Docket No. : 126013-1003

**Certificate of Mailing under 37 CFR 1.8**

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Signature

Anne Ziegler  
Typed or printed name of person signing certificate

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Pursuant to the provisions of 37 C.F.R. § 1.97, Applicants hereby make of record the references set forth in the attached forms PTO/SB/08A (5 pages). No inference should be made that the cited references are in fact material, are in fact prior art, or that no better art exists. The cited patents are listed in numerical order and not in any order based on their pertinence.

It is requested that the Examiner fully consider the cited references and that they be cited on the front of any patent issuing from this application.

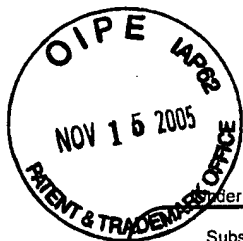
An early action on the merits is respectfully requested.

Respectfully submitted,

Date: November 10, 2005

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PTO/SB/08A (07-05)

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**INFORMATION DISCLOSURE  
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Sheet 1

of 5

**Complete if Known**

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First Named Inventor	Nabil L. Muhanna
Art Unit	3738
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Attorney Docket Number	126013-1003

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 3,867,728 B1	02-25-1975	Stubstad et al	
		US- 3,875,595 B1	04-08-1975	Froning	
		US- 4,309,777 B1	01-21-1982	Patil	
		US- 4,349,921 B1	09-21-1982	Kuntz	
		US- 4,759,766 B1	07-26-1988	Buettner-Janz et al	
		US- 4,759,769 B1	07-26-1988	Hedman et al	
		US- 4,863,477 B1	11-05-1989	Monson	
		US- 4,874,389 B1	10-17-1989	Downey	
		US- 4,911,718 B1	03-27-1990	Lee et al	
		US- 4,917,704 B1	04-17-1990	Frey et al	
		US- 4,932,975 B1	06-12-1990	Main et al	
		US- 4,936,848	06-26-1990	Bagby	
		US- 4,946,378	08-07-1990	Hirayama et al	
		US- 5,002,576	03-26-1991	Fuhrmann et al	
		US- 5,035,716	07-30-1991	Downey	
		US- 5,035,716	07-30-1991	Downey	
		US- 5,071,437	12-10-1991	Steffee	
		US- 5,108,438	08-28-1992	Stone	
		US- 5,123,926	06-23-1992	Pisharodi	

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Sheet **2**of **5****Complete if Known**

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		US- 5,171,281	12-15-1992	Parsons et al	
		US- 5,246,458	09-21-1993	Graham	
		US- 5,258,031	11-02-1993	Salib et al	
		US- 5,314,477	05/24/1994	Marnay	
		US- 5,320,644	06-14-1994	Baumgartner	
		US- 5,370,697	12-06-1994	Baumgartner	
		US- 5,401,269	03-28-1995	Buettner-Janz et al	
		US- 5,425,773	06-20-1995	Boyd et al	
		US- 5,458,642	10-17-1994	Beer et al	
		US- 5,458,643	10-17-1995	Oka et al	
		US- 5,514,180	05-07-1996	Heggeness et al	
		US- 5,534,029	07-09-1996	Shima	
		US- 5,545,229	08-13-1996	Parsons et al	
		US- 5,562,738	10-08-1886	Boyd et al	
		US- 5,645,596	07-08-1997	Kim et al	
		US- 5,674,294	10-07-1997	Bainville et al	
		US- 5,674,296	10-07-1997	Bryan et al	
		US- 5,674,296	10-07-1997	Bryan et al	
		US- 5,782,832	07-21-1998	Larsen et al	

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		US- 5,824,094	10/20/1998	Serhan et al	
		US- 5,827,328	10/27/1998	Buttermann	
		US- 5,865,846	02/02/1999	Bryan et al	
		US- 5,888,226	03/30/1999	Rogozinski	
		US- 5,893,889	04/13/1999	Harrington	
		US- 5,899,941	05/04/1999	Nishijima et al	
		US- 5,928,284	07/27/1999	Mehdizadeh	
		US- 6,019,792	02/01/2000	Cauthen	
		US- 6,039,763	03/21/2000	Shelokov	
		US- 6,063,121	03/16/2000	Xavier et al	
		US- 6,113,637	09/05/2000	Gill et al	
		US- 6,136,031	10/24/2000	Middleton	
		US- 6,156,067	12-05-2000	Bryan et al	
		US- 6,179,874 B1	01-30-2001	Cauthen	
		US- 6,527,804 B1	03-04-2003	Gauchet et al	
		US- 6,607,558 B2	08/19/2003	Kuras	
		US- 6,770,094 B2	08-03-2004	Fehling et al	
		US- 6,770,095 B2	08-03-2004	Grinberg	
		US-			

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		US- 6,706,068	03-16-2004	Feree, Rafail	
		US- 20050187633	08-25-2005	Ferree, Bret A.	
		US- 20040024462	02-05-2004	Ferree, Bret A.	
		US- 20050071013	03-31-2005	Zubok, Rafail	
		US- 20040220590	11-04-2004	Zubok, Rafail	
		US- 20040193272	09-30-2004	Zubok, Rafail	
		US- 20040176852	9-09-2004	Zubok, Rafail	
		US- 20040176851	09-09-2004	Zubok, Rafail	
		US- 20040176850	09-09-2004	Zubok, Rafail	
		US- 20040176849	09-09-2004	Zubok, Rafail	
		US- 20040176848	09-09-2004	Zubok, Rafail	
		US- 20040176847	09-09-2004	Zubok, Rafail	
		US- 20040176846	09-09-2004	Zubok, Rafail	
		US- 20040176845	09-09-2004	Zubok, Rafail	
		US- 20040176844	09-09-2004	Zubok, Rafail	
		US- 20040176843	09-09-2004	Zubok, Rafail	
		US- 20040176778	09-09-2004	Zubok, Rafail	
		US- 2004017677	09-09-2004	Zubok, Rafail	
		US- 20040176776	09-09-2004	Zubok, Rafail	

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Sheet	5	of	5
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